Supreme Court, U.S.
FILED

101066 FEB 26 2011

OFFICE OF THE CLERK

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Isidoro Rodriguez,

Petitioner,

v.

United States Tax Court,

Respondent.

On Petition For Writ of Certiorari
to the United States Court of Appeals
for the District of Columbia Circuit

PETITION FOR WRIT OF CERTIORARI

Isidoro Rodriguez, Esq.
Counsel for Petitioner

7924 Peyton Forest Trail
Annandale, Virginia 22003-1560
Telephone: 571.423.5066
E-Mail: isidoror@earthlink.net

The mandates of *due process* and equal protection of the laws under the 5TH and 14TH Amendments to the U. S. Constitution, the prohibitions under the *Void* Order Doctrine, the Rules Enabling Act, 28 U.S.C. § 2072(b), and Rule 202(a)(2) of the U. S. Tax Court ("Tax Ct."), all restrict the power of both the U.S. Court of Appeals for D. C. Circuit ("D.C. Circuit") and Tax Ct. to disbar by reciprocal enforcement of a state disbarment, to only when a "**court**" with constitutional and statutory jurisdiction and judicial authority has done so.

The people and General Assembly of the Commonwealth of Virginia ratified Art. VI §§ 1, 5, and 7 of the VA Constitution ("VA Const."), and VA Code §§ 54-1-3915 and 3935, to deny any power to the Supreme Court of VA ("VA Sup. Ct."), to promulgate rules establishing an attorney discipline system, creating as a court the VA State Bar Disciplinary Board ("Board"), appoint Board members judges, and affirm the Board making it an ethical violation to litigate pursuant to VA Const. and VA Code. But, the federal courts disbarred Isidoro Rodriguez ("Rodriguez"), based not on an order issued by any court with judicial authority and jurisdiction. Rather, the federal courts held the Board's *void* order valid, because the federal courts have no power to review VA Sup. Ct.'s affirmance of the Board's *void* order issued under court rules.

QUESTIONS PRESENTED FOR REVIEW

I. WHETHER RODRIGUEZ HAS BEEN DEPRIVED OF *DUE PROCESS* BY ASSUMING AWAY OF THE *VOID* ORDER DOCTRINE?

II. WHETHER RODRIGUEZ HAS BEEN DEPRIVED OF EQUAL PROTECTION OF THE LAWS BY THE RECIPROCAL ENFORCEMENT OF THE BOARD'S *VOID* ORDER DISBARRING HIM FOR LITIGATING TO ENFORCING RIGHTS UNDER TREATY AND VA CODE?

III. WHETHER RODRIGUEZ HAS BEEN DEPRIVED OF *DUE PROCESS* EQUAL PROTECTION OF THE LAWS, AND ACCESS TO IMPARTIAL JUDICIAL REVIEW OF THE TREASON OF THE VA SUP. CT.'S PROMULGATION OF RULES IN VIOLATION OF ART. VI §§ 1, 5, AND 7 OF THE VA CONST., AND VA CODE §§ 54-1-3915 AND 3935?

PARTY TO THE PROCEEDINGS

The caption of the case does contain the names of all the parties, none of whom are a corporation.

TABLE OF CONTENTS

QUESTION PRESENTED FOR REVIEW i

PARTY TO THE PROCEEDING ii

TABLE OF CONTENT iii

TABLE OF CITED AUTHORITIES vi

CITATIONS TO OPINIONS BELOW 1

STATEMENT OF JURISDICTION 1

STATEMENT REQUIRED BY RULE 29.4 1

FEDERAL AND VA CONSTITUTIONS AND STATUTES INVOLVED ARE PUBLISHED IN THE ADDENDUM AT THE END 1

STATEMENT OF THE CASE 1

A. Multinational Law Offices of Isidoro Rodriguez. 1

i. Litigation Against Client's Business Conspiracy. 2

ii. Litigation Against DOJ et al. for Obstruction of Rodriguez's Rights as a Father Under Treaty. 5

B. DOJ and SSA *et al.* Retaliatory Conspiracy to Deprive Rodriguez to Property and Employment. 5

i. Conspiracy to Violate the Void Order Doctrine. 6

ii. Conspiracy in Violation the Internal Revenue Code. 10

REASONS FOR GRANTING THE WRIT 12

I. VIOLATION OF SUBSTANTIVE AND PROCEDURAL *DUE PROCESS* BY ASSUMING AWAY THE *VOID* ORDER DOCTRINE . . . 12

i. Violation of the Void Order Doctrine 14

ii. Violation of due process 17

II. VIOLATION OF THE EQUAL PROTECTION CLAUSE BY RATIFYING THE BOARD'S MAKING IT AN ETHICAL VIOLATION FOR RODRIGUEZ TO LITIGATE TO ENFORCE HIS TREATY AND STATUTORY RIGHTS. . . . 19

III. THE D.C. CIRCUIT CANNOT AFFIRM THE TAX C.'S MISPRISION OF THE FELONY OF TREASON BY THE VA SUP. CT 23

i. The Judicial Branch is not above the law. 25

ii. The VA Sup. Ct accountability for Treason . . 26

CONCLUSION 28

TABLE OF CONTENT OF APPENDIX[1]

1. November 30, 2010, Per Curiam Order denying rehearing *en banc* by the U. S. Court of Appeals for the District of Columbia, No. 10-1016, *Isidoro Rodriguez, v. U.S. Tax Court,* A-1

2. November 2, 2010, Unpublished Order affirming the reciprocal disbarment by the U.S. Tax Court based on the Board's *void* order, No. 10-1016, *Isidoro Rodriguez, v. U.S. Tax Court* A-2

3. November 17, 2009, Order of United States Tax Court denying Motion to Vacate A-4

4. November 17, 2009, Order of U.S. Tax Court denying Motion for Reconsideration A-5

5. October 16, 2009, *Void* Order of Disbarment by the U. S. Tax Court, *In re Isidoro Rodriguez,* Docket No. ADM 3-09 . . . . . A-6

6. June 29, 2007, *Void* Order of the Supreme Court of Virginia affirming *void* order of the Virginia State Bar revoking Rodriguez's license to practice law for taking "actions" to enforce his rights under Treaty and Va. Code as a father and Virginia attorney, *Isidoro Rodriguez, Esq. v. Virginia State Bar,* No. 070283 . . . . . A-28

7. November 28, 2006, *Void* order of the Virginia

---

[1] "A-" references are to relevant Orders in the Appendix.

State Bar Disciplinary Board, *In re Isidoro Rodriguez, Esq.*, ... A-30

ADDENDUM TABLE OF CONTENTS[2]

U.S. CONSTITUTIONAL PROVISIONS INVOLVED

Fifth Amendment of the U. S. Constitution . . . Add-1

Section 1 of the Fourteenth Amendment Add-1

UNITED STATES CODE INVOLVED

Rules Enabling Act, 28 U.S.C. § 2072 . . . . . Add-1

UNITED STATES TAX COURT RULE INVOLVED

Tax Court Rule 202 . . . . . Add-1

CONSTITUTION OF VIRGINIA INVOLVED

Article VI, § 1. Judicial power; jurisdiction . . Add-2

Article VI, § 5. Rules of practice and procedure Add-2

Article VI, § 7. Selection . . . of judges Add-2

VIRGINIA CIVIL CODE INVOLVED

Va. Code § 54.1-3909. Rules and Regulations . Add-2

Va. Code § 54.1-3910. Organization and government of

---

[2]"Add-" references are to the Addendum in the Appendix.

Virginia State Bar Add-3

Va. Code § 54.1-3915. Restrictions as to rules and regulations Add-3

Va. Code § 54.1-3935. Procedure for revocation of license Add-3

Part 6 of the Rule of the Virginia Supreme Court Add–4

TABLE OF CITED AUTHORITIES

Cases:

Abbott v. Willey, 479 S.E.2d 528, 253 Va,. 88 (Va. 01/10/1997) 21

Bolling v. Sharpe, 347 U.S. 497 (1954) 20

Boyd v. United States, 116 U.S. 616 (1886) ... 20, 24

Bush v. Gore, 531 U.S. 98 (2000) 19, 20

Byars v. United States 273 U.S. 28 (1927) 24

Canter v. Cohen, 442 F.3d 196 (4th Cir 2006) 5

Cooperative Multiactive de Empeados de Distribuidores de Drogas (Coopservir Ltda." v. Newcomb, et al., D.C. Cir. No 99-5190, S Ct. No 99-1893. ..... 2, 17

Donovan v. City of Dallas, 377 U.S. 408 (1964) ... 20

Ex parte Garland, 4 Wall. 333, 379 18

Fisher's Case, 6 Leigh (33 Va.) 619 15

French v. Barber Asphalt Paving Co., 181 U.S. 324 (1901) 13

Heinzman v. Fine, Fine, Legion and Fine, 217 Va. 958 (1977) 4

Huges v. Cole, 251 Va. 3 (1996) 4

Hurtado v. California, 110 U.S. 516 (1884) . . . 13, 22

In re Disbarment of Isserman, 345 U.S. 286, 73 S.Ct. 676, 97 L.Ed. 1013 (1953) 18

Isidoro Rodriguez, Esq. v. Supreme Court of Virginia et al., (S. Ct. No. 07-419, November 2, 2007) 8

Legal Club of Lynchburg v. A.H. Light, 137 Va. 249, 119 S.E. 55 (1923) 15

Loving v. Commonwealth of Virginia, 388 U.S. 1, 87 S.Ct. 1817 (June 12, 1967) 20

Malinski v. New York, 324 U.S. 401 (1945) 13

Morgan v. United State, 304 U.S. 1 (1938) 14

Murray's Lessee v. Hoboken and Improvement Co., 18 How (59 U.S.) 272 (1856) 13

Norton v. Shelby County, 118 U.S. 425 (1886) . . . 14

Organization JD Ltda. v. Assist U.S. Attorney Arthur P. Hui and U.S. Dept of Justice, 2nd Cir. No. 93-6019 and 96-6145 2

O'Brien v. Skinner, 414 U.S. 524 (1974) 19

Pennoyer v. Neff, 95 US 714 (1877) 14

Pumpelly v. Green Bay Co., 13 Wall. (80) 166 (1872) 14

Rodriguez v. Guy Vander Jagt, et al., Sup. Ct. of Va. No 040941 and 040942, cert. denied, No. 04-867 (Feb. 28, 2005) 4

Schware v. Board of Bar Examiners of New Mexico, 353 U.S. 232, 239, 77 S.Ct. 752, 1 L.Ed.2d 796 (1957) 18

Selling v. Redford, 243 U.S. 46 (1917) 14

Skelly v. United States (C. C. A. Okl. 1935, 76 F. 2d 483, certiorari denied, 1935, 55 S. Ct. 914, 295 U.S. 757, 79 L. Ed. 1699) 27

United State v. Illinois Central R. Co., 291 U.S. 457 (1934) 14

United States v. Lee, 106 U.S. 196, 220 (1882) . . 24

United States v. Thurman, 687 F.2d 11 (3d Cir. 1982) 21

United States v. Wiltberger, 18 U.S. 76 (1820) . . 20

U.S. Constitution:

Fifth Amendment 13, 21

Fourteenth Amendment 13, 21

Federal Statutes:

18 U.S.C. § 3 ..... 26, 27

18 U.S.C. § 4 ..... 26, 27

18 U.S.C. § 241 ..... 26, 27

18 U.S.C. § 242 ..... 26, 27

18 U.S.C. § 1001 27

18 U.S.C. § 1204 27

18 U.S.C. § 1512 27

18 U.S.C. § 1513 27

18 U.S.C. § 1964(c) 27

18 U.S.C. § 3771 26

18 U.S.C. §§ 1962 (c) & (d) 27

26 U.S.C. § 7214 27

Rules Enabling Act 28 U.S.C. § 2072(b) 23

Constitution of Virginia:

Article VI § 1 VA Const. 11, 16, 17, 19, 27

Article VI § 5 VA Const. . . 11, 16, 17, 19, 21, 22, 23, 25, 27

Article VI § 7 of the VA Const. 16, 17, 19

Virginia Code:

Va. Code § 54.1-3915 . . . . . 17, 19

Va. Code § 54.1-3935 17,19

VA Code § 54.1-3935 . . . . . 4, 17, 19, 22

VA. Code § 18.2-500 4

Misc. Material:

Bouvier Law Dictionary (1856) 26

http://www.liamsdad.org/others/isidoro.shtml 6

Pt. 6 § IV, ¶ 13 of the VA Sup. Ct. Rules 19

Tax Ct. Rule 202(a)(2) 19, 23

The Supreme Court Review, (Hutchinson, et al., eds.) 25

VSB LEO #1325 4

CITATIONS TO OPINIONS BELOW

The D.C. Circuit's denial of an *en banc* rehearing is reproduced at A–1. The opinion of the D.C. Circuit Panel challenged here is reproduced at A–2. The opinions of the Tax Ct. challenged here are reproduced at A–4, A-5, and A-6. The illegal and *void* order of the Supreme Court of VA ("VA Sup. Ct."), challenged here is reproduced at A–28. The illegal and *void* order of the Board challenged here is reproduced at A–30.

STATEMENT OF JURISDICTION

The D.C. Circuits denied an *en banc* rehearing on November 30, 2008. The jurisdiction of this Court is invoked pursuant 28 U.S.C. §§1254(1).

STATEMENT REQUIRED BY RULE 29.4

The Court is informed that 28 U.S.C. § 2403, may apply and this Petition has been served upon the Solicitor General of the Untied States.

FEDERAL AND VA CONSTITUTIONS AND STATUTES INVOLVED ARE PUBLISHED IN THE ADDENDUM AT THE END

STATEMENT OF THE CASE

A. Multinational Law Offices of Isidoro Rodriguez.

To represent nonresident U.S. citizens and non-U.S. citizens residing in South/Central America, Isidoro Rodriguez ("Rodriguez"), and his U.S. citizen Colomb-

ian attorney wife operated since 1987 a multinational plaintiff's litigation practice in the Republic of Colombia ("Colombia") and Virginia. The uniqueness of this law firm was confirmed upon their winning certiorari in *Martinez v. Lamagno and DEA*, 515 U.S. 417 (1995), by the Clerk of this Court stating that it was, "the only instance in recent memory that a lawyer with an address outside the United States has argued a case before the Court," *Legal Times*, by Tony Mauro, Testing the Limits of Sovereign Immunity (March 1995).

Based on the law firm's litigation, newsletters and Blogs were published regarding the unlawful policies of the U. S. Department of Justice ("DOJ") under the stewardship of Eric Holder and Alberto Gonzales, violating the limitations and prohibitions under the U.S. Constitution, Treaties, and federal statutes, *see Lopez v. First Union*, 129 F3.rd. 1186 (11th Cir. 1997)(DOJ's interception of only Hispanics surname wire transfers and bank accounts in violation of the Right to Financial Privacy Act, and the Electronic Communications Privacy Act of 1986); *Org. JD Ltda. v.Hui and DOJ*, 2nd Cir. No. 93-6019 and 96-6145; *Coopservir Ltda. v. Newcomb, et al.*, D.C. Cir. No 99-5190, S Ct. No 99-1893 (prohibitions on bills of attainder).

I. Litigation Against Client's Business Conspiracy.

To litigate to enforce 1982 contract rights to a 50% share of a treasure trove sunk off the Colombian coast valued at US $3 to $17 Billion, against the Government of Colombia ("GOC"), in 1988 from Washington, D.C., the Board of Directors of Sea Search Armada and Armada Co. ("SSA") [two Cayman Island LLP's

with U.S. citizen partners]: first, appoint Rodriguez as SSA's Legal Representative with total Power of Attorney required by Colombian Code; and, second, contracted with Rodriguez for the hourly fee legal services of his law partnership of Davis & Rodriguez ("D&R Law Firm"), to be governed by the laws of VA and VA State Bar ("VSB") Legal Ethics Opinions ("LEO").

In 1989 as SSA's Legal Representative, Rodriguez appointed his law partner Mr. Danilo Davis as his Colombian agent/litigation attorney, and authorized the filing of a civil suit against the GOC in Barranquilla, Colombia.

After the filing of the suit, SSA failed to pay for two years' hourly fees and cost owed D&R Law Firm. Thus, Rodriguez sought and obtained VSB LEO#1325 (February 27, 1990), confirming D&R Law Firm's right to sue SSA. But, in consideration of D&R Law Firm not suing, but rather continuing to provide legal services, in 1991 SSA authorized Rodriguez to sign a 10% contingency fee contract with D&R Law Firm.

In 1994 and 1997, the 10th Civil Court and the Superior Court of Barranquilla, Colombia ordered that SSA owned a 50% share of the "economic, historic, cultural and scientific value," of the treasure trove (affirmed by the Supreme Court of Colombia). Thereafter, in Washington, D.C., SSA's Beltway Lobbyists/Attorneys negotiated with the GOC, because the decisions, removed, "the last obstacle established by the GOC as a prerequisite for settlement. . . ." page 31 ¶66 of Complaint filed Dec. 7, 2010. *SSA v. Republic of Colombia*, US DCDC No. 10-cv-02083, (Urbina, J.).

But, in 2002 the evidence is that SSA, its managing partner Jack Harbeston, SSA's Beltway Lobbyists/Attorneys John Erlichman and former Congressman Guy Vander Jagt ("SSA *et al.*), conspired with Rodriguez's attorney/agent Danilo Davis, to interfere with Rodriguez's un revoked Legal Representative Power of Attorney, and his statutory Virginia Attorneys Lien by: (1) denying Rodriguez status reports on settlement negotiations with the GOC; (2) surreptitiously dissolving SSA in the Cayman Islands; and, (3) transferring SSA's title to the treasure trove to Jack Harbeston and IOTA Partners ("IOTA").

In accordance with his authority as SSA's Legal Representative and his property rights in his Virginia Attorney Lien, Rodriguez filed suit against SSA *et al.*, pursuant to VA Code § 54.1-3932, *Heinzman v. Fine, Fine, Legion and Fine*, 217 Va. 958 (1977), VSB LEO #1325, #1606, and #1766), and VA Code § 18.2-499 & 500. However, the evidence is that based on SSA Beltway Lobbyists/Attorney's influence, Rodriguez was denied access to an impartial court, and his right to a jury trial on the contract/business conspiracy. All the actions were summarily dismissed without prejudice for lack of personal jurisdiction–despite SSA's contract that VA law and VA LEO controlled, *see Rodriguez v. Guy Vander Jagt, et al.*, SCT. of Va. No 040941 and 040942, cert. denied, No. 04-867 (2005); *see also Rodriguez et al. v. Van Der Jagt, Harbeston et al.*, US Dist Ct. DC Docket No. 00-mc-00590 (2001)(RWR).

Also, the evidence is that after SSA Beltway Lobbyists/Attorneys obtained summary dismissal of Rodriguez's suits for lack of jurisdiction, despite being

dissolved, SSA fraudulently filed a suit against the GOC for a 50% share of the US $17 Billion treasure trove, *Sea Search Armada v. Republic of Colombia*, *supra*.

ii. Litigation Against DOJ et al. for Obstruction of Rodriguez's Rights as a Father Under Treaty.

After Rodriguez's 14 year-old U.S. citizen son was surreally forced from the U.S. to Colombia at the pinnacle of danger there in 2002, consistent with the litigation on behalf of nonresident U.S. citizens rights, Rodriguez and his son sued DOJ *et al.*, for damages and to compel DOJ's securing international visitation pursuant to *Art.* 21 of the Hague Convention on the Civil Aspects of International Child Abduction, October 25, 1980, T.I.A.A. No 11,670, 19 I.L.M. 1501 ("Treaty"),[3] *Isidoro Rodriguez Esq., and Isidoro Rodriguez-Hazbun v. National Center for Missing & Exploited Children et al,* D.C. No. 03-120(RWR); D.C. Cir. No. 03-5092, *cert. denied* U.S. Sup Ct. No. 03-301("*Rodriguez I*").

B. DOJ and SSA *et al.* Retaliatory Conspiracy to Deprive Rodriguez to Property and Employment.

In 2003 in retaliation for Rodriguez's litigation, DOJ retained Beltway Lobbyists/Attorneys Eric Holder, D. Jean Veta, Susan Brinkerhoff, Covington & Burling LLP, and Proskauer Rose LLP ("Holder *et al.*"), to: first, conspire to obfuscate and obstruct Rodriguez and his

---

[3]The Treaty and VA Code § 20-125, mandate that the government secure international visitation rights. *See Canter v. Cohen*, 442 F.3d 196 (4th Cir 2006).

Son's rights under the Treaty and VA Code; second, conspire with SSA *et al.* to file two fraudulent bar complaints with the Board; and, third, conspire to have the D.C. Ct. of App. Committee on Admission ("Committee"), shelve Rodriguez's 2005 waiver application.

Thereafter, the evidence is that DOJ and SSA's Beltway Lobbyists/Attorneys influenced the District Court to: (1) stay *Rodriguez I* for more than 2 years in violation of the Treaty, and in 2005 upon Rodriguez's Son 16th birthday summarily dismiss the suit as moot under the Treaty; (2) deny the right to a jury trial on DOJ *et al.*'s malfeasance; and (3) hold all the defendants absolutely immune from suit–even the Beltway Lobbyists/Attorneys.

Because the stay was affirmed by the D.C. Circuit, Rodriguez under 18 U.S. § 1001, petitioned Congress to oppose D.C. Circuit Judge John Roberts' confirmation to Chief Justice for his false statements as to *Rodriguez I*, and to investigate Holder *et al.*, DOJ, and Courts for violation of Treaty rights and duties, *see* http://www.liamsdad.org/others/isidoro.shtml.

I. Conspiracy to Violate the Void Order Doctrine.

In 2006 Rodriguez challenged the Board's jurisdiction and judicial authority for violation of Art. VI §§ 1, 5, and 7 of the VA Const (Add-2), and VA Code § 54.1-3915 and 3935 (Add-3), the right *due process* and equal protection of the laws, and the protection of the *Void* Order Doctrine. However, court records evidence DOJ *et al.*, conspired to oppose the granting of certiorari by this Court so to conceal the felony of

treason by the VA Sup. Ct.'s promulgation of rules in violation of the prohibitions of the VA Const. and VA Code., *Isidoro Rodriguez v. Davis and Board*, VA Sup Ct. No. 06052, US Sup Ct. Nos. 06A619 and 06-875.

Subsequently, as the linchpin of DOJ, SSA and Holder *et al.* conspiracy to injure Rodriguez, the Board on November 26, 2006 (A-30), revoked Rodriguez's license to practice law: (a) for litigating against SSA *et al.*, in violation of his VA Attorneys Lien (A-31); and, (b) for litigating against DOJ *et al.*, in violation of his rights under *Art.* 21 of the Treaty and VA Code (A-38).

Based on evidence of DOJ, SSA Holder *et al.*'s conspiracy with the Board to deprive Rodriguez of his property and right to *due process*, and equal protection of the law, and the *Void* Order Doctrine in violations of Art. VI §§ 1, 5, and 7 of the VA Const (Add-2), and VA Code § 54.1-3915 and 3935 (Add-3), Rodriguez on December 16, 2006, gave notice to this Court, the U.S. Ct. Apps. for the 2nd, 3rd, 4th, D.C. and Federal Circuits, the U.S. Dist Ct. for the E.D. of VA, and the U.S. Tax Court for Show Cause Hearings and for their protection under 18 U.S.C. §§ 3, 4, and 3771, from the Board's *void* order, and treason by the VA Sup. Ct.'s promulgation of court rules creating the Board as a court, appointing the Board's members as judges, and affirming the Board's punishing Rodriguez for litigating to enforce his Treaty and statutory rights (A-31 and A-38).

In May 2007, the Committee conspired with the Board, DOJ and Holder *et al.*, to summarily strike Rodriguez's 2005 waiver application, and denied him of his right to a public hearing pursuant to DC Cir Rule

46(f)(1), see *In re Isidoro Rodriguez, Esq.*, DC Cir. Docket No. 08-0A-26.

On June 1, 2007, Rodriguez filed a criminal complaints for the felony of treason and a petition to the General Assembly for an investigation and impeachment of the VA Sup. Ct., and filed in the District of Columbia a civil action for damages under the Racketeering Influenced and Corruption Organization Act ("RICO"), 18 U.S.C. §§ 1962 (c) & (d), and 1964(c), Federal Tort Claims Act, and 42 U.S.C. § 1983, *Isidoro Rodriguez, Esq. v. Editor-in-Chief, Legal Times, et al.*, DC Dist. Ct. No 07-cv-0975 (PF), DC Ct App. N. 07-5334, injunction denied SC Ct No. 07A601, *cert. denied* US Sup Ct 08-411(2008)("*Rodriguez II*"); *see also* http://home.earthlink.net/~treason,.

On June 29, 2007, without addressing the prohibitions under VA Const and VA Code, the VA Sup. Ct. affirmed the Board's *void* order revoking Rodriguez's license for litigating to enforce his statutory rights (A-28). This Court denied cert., *Isidoro Rodriguez v. Supreme Court of Virginia et al.*, (S. Ct. No. 07-419, November 2, 2007). *See also, Isidoro Rodriguez v. Supreme Court of Virginia* (Va Sup. Ct No. 07-0283), *cert denied* Nos. 07-A142 and 07A370, respectively October 1 and 31, 2007.

One day later, in *Rodriguez II*, the District Judge denied access to an impartial court by refusing to recuse himself, denied Rodriguez of his right to a RICO jury trial, and misstated the record to summarily dismiss the suit without prejudice for lack of venue, and by declaring the DOJ and Holder *et al.*, absolutely

immune from suit despite the fraudulent bar complaints being filed from D.C. by the Beltway Lobbyists/Attorneys.

Subsequently, the 2nd, 3rd, 4th, and D.C. Cir., and Clerk of this Court disbarred Rodriguez from federal practice by surreally viewing or assuming the Board's *void* order as valid: *In the matter of Isidoro Rodriguez, Esq.*, (4th Cir. No. 06-9518), *cert. denied* No. 08-942 (March 20, 2009), injunction denied (March 24, 2009); *Isidoro Rodriguez v. Standing Committee on Attorney Discipline*, (3rd Cir. No 08-8037), *cert. denied* No. 08-1121 (May 18, 2009), injunction denied (April 3, 2009, and May 4, 2009); *Isidoro Rodriguez v. U.S. Court of Appeals for the 2nd Circuit*, (2nd Cir. No 08-90089); *cert. denied* No. 08-942 (July 31, 2009); *Isidoro Rodriguez v. U.S. Court of Appeals for the District of Columbia*, (D.C. Cir. No. 08-7134) *cert. denied* No. 09-237 (November 2, 2009); and, *In the matter of Isidoro Rodriguez*, US Sup. Ct Docket No. D-02466 (without either notice or an opportunity to be heard the Clerk posted an order of disbarment on the Internet on May 24, 2010).

These court records from 2006 are *prima facie* evidence of DOJ *et al.* and courts concealing the VA Sup. Ct.'s felony of treason by the promulgation of court rules in violation of the prohibitions of the VA Const. and VA Code, and the depriving of Rodriguez of the protections of the 5th and 14th Amendments, the prohibitions of the *Void* Order Doctrine, the restrictions under the Rules Enabling Act, 28 U.S.C. 2072(b), and the mandate of 18 U.S.C. § 3771.

ii. Conspiracy in Violation the Internal Revenue Code.

In 2007 based on the Board's *void* order the Virginia Employment Commission denied Rodriguez of his right to unemployment compensation in violation of the Social Security Act and Internal Revenue Code, *Isidoro Rodriguez v. Virginia Employment Commission*, (VA Sup. Ct. No. 092494), *cert. denied*, Docket No. 09-954 (March 22, 2010).

Also in 2007 in violation of 26 U.S.C. § 7214, personnel of the Internal Revenue Service ("IRS") conspired with DOJ to harass Rodriguez and his wife by investigating their law office tax records for 2006. The evidence confirms that despite IRS's confirming that Rodriguez and his wife had filed and paid all their taxes for 2006, to harass and to deprive them of their statutory right to deduct Colombian law office and litigations expenses against DOJ and SSA et al:, the IRS "contrary to the IRM" declared Rodriguez and his wife's law office self-employment 1040 Sch. C cash income of $3,745 as "immaterial," and summarily declared as "frivolous" suits against DOJ and SSA *et al.* Only after a petition for review was filed in *Isidoro and Irene Rodriguez v. Commissioner of Internal Revenue*, Tax Ct. Docket No. 10691-09, IRS unlawfully modify the Notice of Deficiency to denying Rodriguez and his wife right to self-employment based on Rodriguez providing temporary legal services to law firms.

Also, only after the petition had been filed did the Tax Ct., finally respond to Rodriguez's seven demands filed since 2006 for a show cause hearing, *In re: Isidoro Rodriguez*, Tax Ct. No. ADM 3-09 (A-6).

After the show cause hearing, Tax Ct. Judges John O. Colvin, Laurence J. Whalen, L. Paige Marvel, and Richard T. Morrison ordered Rodriguez disbarred on October 16, 2009. The Tax Ct. held that there was not a denial of *due process* and equal protection of the laws by disregarding prohibitions of Article VI §§ 1, 5, and 7 of the VA Const., and VA Code §§ 54-1-3915 and 3935, denying the VA Sup. Ct. power to promulgate court rules creating the Board as a court, naming the Board members as judges, delegating to the Board judicial authority, and affirming the Board's order punishing of Rodriguez for litigating to enforce his statutory rights. The Tax Ct. to summarily declare that the Board's order was valid only "because the Supreme Court of Virginia was given authority to promulgate rules to discipline an attorney." (A-21), thereby assumed away the prohibitions under the *Void* Order Doctrine, and Tax Ct. Rule 202(a)(Add-2). Finally, in violation of Rules Enabling Act, 28 U.S.C. § 2071, and its duty under 18 U.S.C. §§ 3 and 4, the Tax Ct. observed that Rodriguez's "outlandish" filings alleging an interstate criminal conspiracy, "demonstrate his unsuitability to practice law." (A-25).

On appeal the three judge panel of the D.C. Circuit affirmed the Tax Ct.'s order on November 2, 2010. The D.C. Circuit likewise assumed away the violations of the 5th and 14th Amendments, the prohibitions under the Void Order Doctrine, Tax Ct. Rule 202(a)(Add-2), the violation of VA Const and VA Code by the VA Sup Ct., and the mandate on federal courts, by stating that Rodriguez, "has not demonstrated that the Tax Court proceedings suffered from a lack of due process or infirmity or proof or that disbarment would

result in grave injustice."(A-2).

As to Rodriguez's jurisdictional challenge to both the Board's order and its affirmance by the VA Sup. Ct, the three judge panel of the D.C. Circuit disregarded the *stare decisis* of *Selling v. Redford*, 243 U.S. 46, 51 (1917), *O'Brien v. Skinner*, 414 U.S. 524 531 (1974), and *Bush v. Gore*, 531 U.S. 98, 111 (2000), surreally use legal sophistry to misrepresent the holding and misquote the dicta that it is not this Court's, "function to construe a state statute contrary to the construction given by the highest court of a State," *O'Brien, supra* at 31. Rather, to assume away their duty, oaths, and mandates of the 5th and 14th Amendments, and *Void* Order Doctrine, the D.C. Circuit held that a federal court, "cannot look beyond the controlling decisions of the . . . state courts."(A-3). Finally, the three judge panel of the D.C. Circuit obfuscated the evidence that the Board made it an ethical violation for Rodriguez to litigate against DOJ and SSA *et al.* (A-2). The full D.C. Circuit denied a Motion for Rehearing *en Banc* on November 30, 2008 (A-1).

REASONS FOR GRANTING THE WRIT

In total disregard of the 5th and 14th Amendments, constitutional rules of law of our Republic, the *Void* Order Doctrine, the *stare decisis* of this Court, and Congressional mandates, the D.C. Circuit and Tax Ct., assumed away the VA Cont. and VA Code prohibitions, to hold that a federal court cannot look beyond the VA Sup. Ct.'s affirming the promulgation of its rules and Board's existence so to permit reciprocal disbarring of Rodriguez. Thus, the Writ demand this Court exercise

its oath, constitutional duty and power of supervision.

I. VIOLATION OF SUBSTANTIVE AND PROCEDURAL *DUE PROCESS* BY ASSUMING AWAY THE *VOID* ORDER DOCTRINE.

The 5th Amendment and the 14th Amendment's *due process* clause apply identically to both federal and state government because to suppose otherwise, "is too frivolous to require elaborate rejection." *Malinski v. New York*, 324 U.S. 401,415 (1945)(concurring Justice Felix Frankfurter).

Due process holds that both federal and state governments, as well as their respective courts, are limited by and subservient their constitutional and statutory rules of law protecting individual persons from unlawful government action, by assuring under common law a jury trial on the factual issues of malfeasance, and "a fair hearing before [an impartial] a tribunal with the [jurisdictionall power to decide the case." Bryan A. Garner, Black's Law Dictionary, at page 538 (8th ed. 1999).

Therefore to determining if a violation of *due process* has occurred, courts must determine if either a process conflicts with either any of the constitutional or statutory limitations and prohibitions. *Murray's Lessee v. Hoboken and Improvement Co.*, 18 How (59 U.S.) 272, 276-277 (1856). As explained in *Hurtado v. California*, 110 U.S. 516, 528 (1884), *due process* is "that process of law, **which is not otherwise forbidden [under federal and state constitutions]**." *See also, French v. Barber Asphalt Paving Co.*, 181 U.S. 324, 328 (1901).

I. *Violation of the Void Order Doctrine*

This Court has held that government "taking" includes destruction or severe impairment of use. *Pumpelly v. Green Bay Co.,* 13 Wall. (80) 166, 177-178 (1872). Thus, *due process* mandates that before there is a "taking" of Rodriguez's property and employment right as a federal practitioner by the federal courts by reciprocal enforcement of a Board's disbarment order, they must confirm that the Board had either constitutional and/or statutory jurisdiction and judicial authority to conduct hearings and issue a disbarment order. *Selling v. Redford*, 243 U.S. 46, 51 (1917), *See* also, Morgan *v. United State*, 304 U.S. 1(1938); *United State v. Illinois Central R. Co.,* 291 U.S. 457 (1934).

In accordance with the requirements of *due process* of law, what has become to be accepted as the *Void* Order Doctrine dictates that either a legislative act or judicial order, "repugnant to the constitution is *void.*" *Marbury v. Madison*, 1 Crunch 137, 140 (1803). As this Court held in *Pennoyer v. Neff,* 95 US 714, 728 (1877), any order contrary to the constitution or statute is *void* in its entirety and inoperative as if it had no existence from the time of its issuance, and can be attacked in any proceeding where they come into issue.

The *Void* Order Doctrine is founded on the constitutional rule of law that an unconstitutional act,

> "is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is, in legal contemplation, as inoperative as though it had never been [issued]." *Norton v.*

Shelby County, 118 U.S. 425, 442 (1886).

Pursuant to the *Void* Order Doctrine, the Sup. Ct of VA held that, "[a] *void* judgment is one that has been...entered by a **court** that did not have jurisdiction over the subject matter." *Rook v. Rook*, 233 Va. 92, 353 S.E2d 756, 758 (1987)(Emphasis added). The reason for this is because subject matter jurisdiction is granted only by the constitution or statute, thus,

> it cannot be waived, and any judgment rendered without it is *void ab initio*. Lack of subject matter jurisdiction may be raised at any time, in any manner, before any court, or by the court itself. *Nelson v. Warden*, 262 Va. 276, 552 S.E.2d 73 (2001).

Thus, pursuant to the *Void* Order Doctrine, the Sup. Ct. of Va held in *Legal Club of Lynchburg v. A.H. Light*, 137 Va. 249, 119 S.E. 55 (1923), citing *Fisher's Case, 6 Leigh* (33 Va.) 619, that although independent of statutory authority, all VA courts of record have inherent power in a proper case to suspend or disbar an attorney practicing in that particular court,

> "[t]he power to go further and make suspension or revocation of license [by a court] effective in all other court of the Commonwealth **must be conferred by statute.**" (Emphases added).

In response, consistent with the historical distrust of the people and General Assembly of Virginia for of the abuse of power by the Judicial Branch under English colonial rule, the General Assembly enacted VA

VA Code § 54.1-3935, to create a statewide decentralized attorney disciplinary system not under the control of the Sup. Ct. Of Va.[4] The General Assembly placed the exclusive jurisdiction for attorney discipline in courts-of-record with judges appointed by them pursuant to Art. VI §§ 1, 5, and 7 of the VA Const.

To assure that the decentralized system created by the General Assembly was followed by the Sup. Ct. of VA, the General Assembly enacted VA Code § 54.1-3915, reconfirming Art. VI § 5 of the VA Const.'s prohibition on the Sup. Ct of VA from promulgating rules under VA Code § 54.1-3909, inconsistent with the decentralized system created by VA Code § 54.1-3935.

Given the surreal holding of the D.C. Court and Tax Ct., it is important to underscore that consistent with their distrust of the Judicial Branch, the people under Art. VI §§ 1, 5, and 7 of the VA Const., gave only to the General Assembly the exclusive constitutional power to create courts, appoint judges, and give to said court-of-record subject matter jurisdiction.

Thus, the Board being neither a "court," nor granted jurisdiction by the General Assembly to discip-

---

[4]Patrick Henry during the debates of Art. III of the U.S. Constitution, has been credited with the statement that, "[p]ower is the great evil with which we are contending. We have divided power between three branches of government and erected checks and balances to prevent abuse of power. However, where is the check on the power of the judiciary? If we fail to check the power of the judiciary, I predict that we will eventually live under judicial tyranny."(source unauthenticated)

line an attorney, the Board is a figment of the Sup. Ct of VA promulgation of court rules in violation of the constitutional limitations and prohibitions of Art. VI §§ 1, 5, and 7 of the VA Const.

Therefore, by assuming away these prohibitions and limitations on the Va. Sup. Ct. under Art. VI §§ 1, 5, and 7 of the VA Const., and Va. Code §§ 54.1-3915, and 3935(A) and (B), the D.C. Circuit affirmance of the Tax Ct. disbarring of Rodriguez has been deprived his of his right to *due process* and the protection of the *Void* Order Doctrine.[5]

ii. *Violation of due process*

Under Va. Sup. Ct. under Art. VI §§ 1, 5, and 7 of the VA Const., and Va. Code §§ 54.1-3915, and 3935(A) and (B), the Sup. Ct of VA has been denied any power to promulgate court rules to create a centralized attorney disciplinary system, establish the Board, delegating to the Board judicial power, naming the Board members judges with the jurisdiction to issue a disbarment order, and affirming the Board's punishing of Rodriguez for litigating to enforce his Treaty and statutory rights.

This Court held in *Selling v. Redford*, 243 U.S.

---

[5]The D.C. Circuit has demonstrated in the past a pattern and practice to assume away constitutional and statutory prohibitions on the government and courts. For example, in *Coopservir Ltda. v. Newcomb, et al.*, D.C. Cir. No 99-5190, S Ct. No 99-1893, the court assumed away the gravamen of the suit for violation of the constitutional prohibitions on bills of attainder.

46, 51 (1917), that before a federal court has the power to grant reciprocal enforcement to a state disbarment order, the federal court must confirm that none of the following conditions are present:

> 1, that the state procedure, . . ., was wanting in *due process*, 2, that there was such an **infirmity** of **proof as to facts** found to have established the want of fair private and professional character as to give rise to a clear conviction on our part that we could not, consistently with our duty, accept as final the conclusion on that subject, or 3, **that some other grave reason existed** which should convince us that to allow the natural consequences of the judgment to have their effect would conflict with the duty which rests upon us not to disbar except upon the conviction that, under the principles of right and justice, we were constrained so to do. (Emphasis added)

Due process mandates, "a person cannot be prevented from practicing [law] except for valid reasons. Certainly the practice of law is not a matter of the State's grace." *Ex parte Garland*, 4 Wall. 333, 379 (1866). Consistent with the above, this Court held that it is the federal courts duty not to "rubber stamp" a state court's disbarment order. In *In re Disbarment of Isserman*, 345 U.S. 286 at 288, 73 S.Ct. 676 (1953), the Court confirmed that disbarment by a state does not automatically disbar members from a federal bar. In *Theard v. United States*, 354 U.S. 278, 282 (1957), the Court held that disbarment by a state court is not conclusively binding on the federal courts when there has been a violation of *due process*. *See also Schware v.*

Board of Bar Examiners of New Mexico, 353 U.S. 232, 239, 77 S.Ct. 752 (1957).

However, the D.C. Circuit violated the prohibitions under Art. VI §§ 1, 5, and 7 of the VA Const., and Va. Code §§ 54.1-3915, and 3935(A) and (B), all denying power to the Sup. Ct. of VA to establish courts, appoint judges, or promulgate rules of ethics inconsistent with an attorney's statutory rights, as well as the *stare decisis* of *Selling v. Redford*, 243 U.S. 46, 51 (1917), *O'Brien v. Skinner*, 414 U.S. 524, 531 (1974), and *Bush v. Gore*, 531 U.S. 98, 111 (2000), the mandate of *due process*, and the *Void* Order Doctrine, as well as Tax Ct. Rule 202(a)(2) (Add1).[6] The D.C. Circuit's use of legal sophistry to misrepresent the holding and misquote the dicta in *O'Brien, supra* at 31, has denied Rodriguez of due process by surreally holding that a federal court has no power to look beyond the VA Sup. Ct. affirming its promulgation of Pt. 6 § IV, ¶ 13 of the VA Sup. Ct. Rules, and nothing further than the Board's existence was necessary to give validity to the Board's disbarring of Rodriguez.(A-3).

II. VIOLATION OF THE EQUAL PROTECTION CLAUSE BY RATIFYING THE BOARD'S MAKING IT AN ETHICAL VIOLATION FOR RODRIGUEZ TO LITIGATE TO ENFORCE HIS TREATY AND STATUTORY RIGHTS.

Pursuant to their oath, it is the duty of all judges

---

[6]This Rule of the Tax Ct. has granted limited power to disbar based on reciprocal enforcement to only when a "court" with constitutional and/or statutory jurisdiction has done so.

to uphold our constitutional system of rule of law. Judges are to be watchful of the constitutional limitations and rights of citizens, "against any stealthy encroachments thereon." by the federal or state governments. *Boyd v. United States*, 116 U.S. 616, 635 (1886).

To this end the Equal Protection Clause provides that "no state shall ... deny to any person within its jurisdiction the equal protection of the laws" 14th Amendment. *See*, *Bush v. Gore*, 531 U.S. 98 (2000). This guarantee of equal protection also applies to the Federal government. *See Bolling v. Sharpe*, 347 U.S. 497 (1954) (5th amendment contains an implicit equal protection restriction on the federal government).

Regarding the equal protection clause, this Court in *Bush v. Gore*, 531 U.S. 98, 111 (2000), reversed the Florida Supreme Court construction of Florida statute, because,

> When contending parties invoke the process of the courts, . . . , it becomes our unsought responsibility to resolve the federal and constitutional issues the judicial system has been forced to confront.

See also, Loving v. Commonwealth of Virginia, 388 U.S. 1, 87 S.Ct. 1817 (June 12, 1967).

In *Donovan v. City of Dallas,* 377 U.S. 408, 413 (1964), Treaty and statutory rights granted by Congress cannot be taken away by any proceeding in Virginia. *See also United States v. Wiltberger*, 18 U.S.

76, 96 (1820) (holding courts find intention of a legislature through statutory language); and *United States v. Thurman*, 687 F.2d 11, 12 (3d Cir. 1982) (contending court inquiry ends if statutory language is clear). Also as explained in *Abbott v. Willey*, 479 S.E.2d 528, 253 Va. 88 (Va. 01/10/1997),

> Where the legislature has used words of a plain and definite import, the courts cannot put upon them a construction which amounts to holding the legislature did not mean what it has actually expressed.

However, in violation of the *Void* Order Doctrine federal courts have reciprocally enforced the Board's *void* order(A-2 and A-6), despite the evidence that the government filed fraudulent bar complaints with the Board: (a) to obstruct Rodriguez's rights as a father under Treaty; and, (b) to deprived Rodriguez of his statutory property rights in his Virginia Attorney's Lien on SSA's 50% share of $3 to 17 Billion of treasure trove.

This has been a deprivation of the right to equal protection of the laws in violation of the 5th and 14th Amendments, because Art. VI § 5 of the Const. of VA and VA Code § 54.1-3915 (App-2 and 3), prohibit the Sup. Ct of VA from affirming an order "proscribing a code of conduct ethics governing the professional conduct of attorneys which are inconsistent with any statute."

The Sup. Ct. of VA has no power to create by court rules: (a) a centralized attorney disciplinary

system in violation of VA Code § 54.1-3915 and 3935(A) and (B); and, (b) to affirm any order of a court, much less the illegally created Board declaring it an ethical violation for Rodriguez to litigate to enforce his rights as a father under Treaty and to enforce his statutory Virginia Attorneys Lien.

Finally, in response to these clear constitutional and statutory prohibitions on the power of the Supr. Ct of VA, and the illegality of the Board, the Tax Ct. order, which is affirmed by the D.C. Circuit, used legal sophistry to hold that the Board did not punish Rodriguez for litigating to enforce his statutory rights, but rather the Board made valid finding of fact and law that Rodriguez conducted "merciless and vexatious litigation" against DOJ and IOTA for violation of his Treaty and statutory rights.

However, because the Board was an illegal entity created in violation of the prohibitions of Article VI § 5 of the VA Const. and VA Code § 54.1-3915 and 3935(A) and (B), the Tax Ct. and D.C. Circuit have deprived Rodriguez of equal protection of the laws by holding that the Board had judicial authority to conduct judicial disciplinary proceedings and make findings as a court, therefore issuing a valid order.

But, as explained in *Hurtado v. California*, 110 U.S. 516, 532, 536 (1884), wherein it was noted that the *due process* clause operated on "all powers of government, legislative as well as executive and judicial," this Court declared that,

> [a]rbitrary power, enforcing its edicts to the

> injury of the persons and property . . . , is not law, ... And the limitation imposed by our constitutional law upon the actions of government, both state and national, are essential to the preservation of public and private rights, ... The enforcement of these limitations by judicial process is the devise of self-governing communities to protect the rights of individuals and minorities, as well against the power of numbers, as against the violence of public agents transcending the limits of lawful authority, even when acting and wielding the force of the government."

Thus, both the federal and state governments and courts are restricted in dealing with procedural and/or substantive rights, by being subjected to the scrutiny of the federal courts when the question of its essential justice is raised pursuant to the 5th and 14th Amendments, the prohibitions under the *Void* Order Doctrine, violation of the Rules Enabling Act 28 U.S.C. § 2072(b), and violation of Tax Ct Rule 202, Rodriguez has been denied equal protection of the prohibitions under Art. VI § 5 of the Const. of VA and VA Code § 54.1-3915 (App-2 and 3), based only on the promulgation of the VA Sup. Ct. Rules.

III. THE D.C. CIRCUIT CANNOT AFFIRM THE TAX Ct.'S MISPRISION OF THE FELONY OF TREASON BY THE VA SUP. CT.

As discussed *due process* and equal protections requirements mandate the maxim that no person is immune to law. Thus, all government officers of the

United States, all members of Congress, the President and his appointees, and the Justices of this Court, as well as all State officers, pledge first and foremost to uphold the U.S. Constitution. These oaths affirm that the rule of law is superior to the rule of any human leader.

The courts are charged with the duties of maintaining justice based on the concept of separation of power. Both the Federal and Virginia court systems are to work for the people, against any abuse of power by any of the three branches of government. That is how the Constitution defines the role of the justice system, because,

> . . . the court must be vigilant to scrutinize the attendant facts with an eye to detect and a hand to prevent violations of the Constitution by circuitous and indirect methods. Constitutional provisions for the security of person and property are to be liberally construed, and "**it is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon.**" *Byars v. United States* 273 U.S. 28, 32(1927), *citing Boyd v. United States*, 116 U.S. 616, 635 (1886). (Emphasis added). *See also Norton v Shelby County*, 118 U.S. 425, 442 (1886).

In *United States v. Lee*, 106 U.S. 196, 220 (1882), the Court explained that,

> [n]o man in this country is so high that he is above the law. No officer of the law may set that

> law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives. (Emphasis added).

I. The Judicial Branch is not above the law.

At the masthead of every annual edition of The Supreme Court Review, (Hutchinson, et al., eds.), this Court remind us that, "[j]udges as persons, or courts as institutions, are entitled to no greater immunity from criticism than other persons or institutions . . . . "

Both the Art. § 5 of VA Const. and VA Code VA Code § 54.1-3915 (App-2 and 3), proscribe the power of the Sup Ct. of VA from promulgating court rules which conflict with the general law enacted by the General Assembly.

To assure the government and Judicial Branch's compliance with these constitutional and statutory prohibitions and rules of law, VA Code § 18.2-481(5), defines treason as, "[r]esisting the execution of the laws under color of its authority." VA Code § 18.2-482, mandates that,

> "[i]f any person knowing of such treason shall not, as soon as may be, give information thereof

to the Governor, or some conservator of the peace, he shall be guilty of a Class 6 felony."

But, both the Tax Ct and the D.C. Circuit ratified the Board's *void* disbarment order and declared "outlandish" the criminal allegations of treason. However pursuant to 18 U.S.C. §§ 3, 4, 241, 242, 1513, and 3771, both federal court are prohibited from concealing the treason of the Sup. Ct. of VA and Board.

Consequently, this Court must grant the Writ to assure accountability for malfeasance and treason by the unconstitutional promulgation of court rules to creating an unauthorized centralized attorney disciplinary system and the ratifying the depriving of Rodriguez of his right to property and employment.

ii. The VA Sup. Ct accountability for Treason.

Under well-established constitutional and statutory rules of law there is an affirmative duty on all of us, including government employees and judges, to expose any treasonous or criminal act which comes to their attention.

Misprision of treason, is present by being merely passive is the concealment of treason.[7] The failure to perform a public duty by neglect, mistake, or subter-

---

[7]"It is the duty of every good citizen, knowing of a treason or felony having been committed, to inform a magistrate. Silently to observe the commission of a felony, without using any endeavors to apprehend the offender, is a misprision." *Bouvier Law Dictionary* (1856).

fuge is misprision by failure to report a crime. By giving any assistance, makes the party a principal, as there is no accessories in treason. Knowing of treason or felony having been committed everyone must to inform a magistrate. Giving any degree of maintenance to the a felon of treason makes the party an accessory after the fact. Also, this Court in *Skelly v. United States*, 76 F. 2d 483 (1935), cert. denied 55 S. Ct. 914, defined an "accessory after the fact" as one who knowing a felony to have been committed by another, receives, relieves, comforts, or assists the felon in order to hinder the felon's apprehension, trial, or punishment.

Here, in violation of their duty and oath, the Tax Ct. and D.C. Circuit denied access to an impartial federal court by misrepresenting and misquoting *stare decisis* so to ignore constitutional and statutory rules of law and arrogantly assume away Rodriguez's right to *due process*, equal protection of the laws, and the *Void* Order Doctrine. In summary, they held that federal courts will not conduct impartial judicial review when giving reciprocal effect to the Board's *void* order founded on the Sup. Ct of VA's violation of the prohibitions and limitations under Article VI §§ 1, 5, and 7 and VA Code §§ 54.1-3915 and 3935.

The D.C. Circuit and Tax Ct's analysis is so factually and legally unsupportable, that their orders are *prima facie* evidence of their misprision of a felony in violation of D.C. Code § 22-722 and § 22-1805 (2001), RICO, 18 U.S.C. §§ 1962 (c) & (d), and 1964(c),18 U.S.C. §§ 3, 241, 242, 1001, 1204, 1512 1513, and 26 U.S.C. § 7214.

CONCLUSION

Rodriguez's is neither delusional nor are his allegations "outlandish." Court records confirm that since 2006, Rodriguez has been denied his right to property and employment based on the Board's *void* disbarment order punishing Rodriguez for litigating against a business conspiracy by SSA and Beltway Lobbyists/Attorneys in violation of his statutory attorney's lien (A-50), and for litigating against DOJ and Holder *et al*s obstruction of his rights as a father under Treaty and VA Code (A-52).

Whether the motive of DOJ, Holder, and SSA *et al.*, was based on financial interest in the treasure trove, to punish for opposing DOJ's policies violating the rights of nonresident U.S. citizens, and/or based on Beltway cronyism, the D.C. Circuit and Tax Ct. Have denied Rodriguez of substantive and procedural *due process*, equal protection of the law, and the protection of the *Void* Order Doctrine by the reciprocal enforcement of the Board's *void* order, issued under illegally promulgated court rules of the VA Sup. Ct.

Thus, the Court must grant the Writ.

Respectfully submitted,

By: *Isidoro Rodriguez, Esq*
Isidoro Rodriguez, Esq.
Admitted to the Bar of
The U. S. Supreme Court, Sept. 11, 1992

U.S. CONSTITUTIONAL PROVISIONS INVOLVED

Fifth Amendment to the United States Constitution, states in relevant part, "No person shall . . . be deprived of life, liberty, or property, without due process of law; . . . ."

The Due Process Clause of Section 1 of the Fourteenth Amendment to the United States Constitution, states in relevant part, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of . . . property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law."

FEDERAL STATUTES VIOLATED

RULES ENABLING ACT--28 U.S.C. § 2072(a) The Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of evidence for cases in the United States district courts (including proceedings before magistrate judges thereof) and the courts of appeal.

(b) Such rules shall not abridge, enlarge, or modify any substantive right. . . .

U.S. TAX COURT RULES INVOLVED

Tax Court Rules of Practice and Procedures:

Rule 202. Disciplinary Matters

(a) General: A member of the Bar of this Court may be disciplined by this Court as a result of:. . . (2) Imposition of discipline by any other court of whos bar an attorney is a member, or an attorneys's disbarment or suspension by consent or resignation from the bar of such court while an investigation into allegations of misconduct in pending. . . .

CONSTITUTION OF VIRGINIA INVOLVED

Article VI, § 1. Judicial power; jurisdiction. — The judicial power of the Commonwealth shall be vested in a Supreme Court and in such other courts of original or appellate jurisdiction subordinate to the Supreme Court as the General Assembly may . . . establish.

Article VI, § 5. Rules of practice and procedure. — The Supreme Court shall have the authority to make rules governing the course of appeals and the practice and procedures to be used in the courts of the Commonwealth, but such rules shall not be in conflict with the general law as the same shall, from time to time, be established by the General Assembly.

Article VI, § 7. Selection . . . of judges. The justice of the Supreme Court of shall be chosen by vote of the . . . General Assembly. . . . The judge of all other courts of record shall be chosen by the . . . General Assembly . .

VIRGINIA CIVIL CODE INVOLVED

Va. Code § 54.1-3909. The Supreme Court may promulgate rules and regulations: . . . Prescribing procedures for disciplining, suspending, and disbarring

attorneys.

Va. Code § 54.1-3910. Organization and government of Virginia State Bar. --The Supreme Court may promulgate rules and regulations organizing and governing the Virginia State Bar. The Virginia State Bar shall act as an administrative agency of the Court for the purpose of investigating and reporting violations of rules and regulations adopted by the Court under this article. . . .

Va. Code § 54.1-3915. Restrictions as to rules and regulations.---Not withstanding the foregoing provisions of this article, the Supreme Court shall not promulgate rules or regulations prescribing a code of ethics governing the professional conduct of attorneys which are inconsistent with any statute; . . . .

Va. Code § 54.1-3935. Procedure for revocation of license.

A. If the Supreme Court, the Court of Appeals, or any circuit court of this Commonwealth observes, or if a complaint, verified by affidavit is made by any person to such court, that any attorney has . . . violated the Virginia Code of Professional Responsibility, the court may assign the matter to the Virginia State Bar for investigation. Upon receipt of the report of the Virginia State Bar, the court may issue a rule against such attorney to show cause why his license to practice law shall not be revoked. If the complaint, verified by affidavit, is made by a district committee of the Virginia State Bar, the court shall issue a rule against the attorney to show cause why his license to practice law shall not be revoked.

B. If the rule is issued by the Supreme Court . . . the rule shall be returnable to the Circuit Court of the City of Richmond. At the time the rule is issued by the Supreme Court, the Chief Justice shall designate three circuit court judges to hear and decide the case. . . . In proceedings under this section, the court shall adopt the Rules and Procedures described in Part Six, Section IV, Paragraph 13 of the Rules of Court.

C. Bar Counsel of the Virginia State Bar shall prosecute the case. . . .

D. Upon the hearing, if the attorney is found guilty by the court, his license to practice law in this Commonwealth shall be revoked or suspended for such time as the court may prescribe. In lieu of revocation or suspension, the court may impose any other sanction authorized by Part Six, Section IV, Paragraph 13 of the Rules of Court.

E. The attorney, may, as of right, appeal from the judgment of the court to the Supreme Court pursuant to the procedure for filing an appeal from a trial court, as set forth in Part 5 of the Rules of Court. In any such appeal, the Supreme Court may, upon petition of the attorney, stay the effect of an order of suspension during the pendency of the appeal. Any order of reprimand shall be automatically stayed prior to or during the pendency of an appeal therefrom. No stay shall be granted in cases where the attorney's license to practice law has been revoked. . . .

Part 6, § IV, ¶13(B)(5)(a) of the Rules of the Virginia Supreme Court, **Authority and Duties of the Board**, at page 118, states in relevant part: "[t]he Board shall have jurisdiction to consider: (1) Appeals from Public or

Private Reprimands or Dismissals with Terms imposedby District Committees or Dismissals that otherwise create a Disciplin ry Record; (2) Complaints and Charges of Misconduct certified to it by a Subcommittee or a District Committee;(3) Misconduct by reason of conviction of a Crime; (4) Disability Proceedings;(5) Revocation or Suspension in another jurisdiction; (6) Petitions from Bar Counsel or the Chair of a District Committee seeking summary Suspension upon a belief that an Attorney is engaging in Misconduct likely to result in injury to or loss of property of a client or other entity or alleging an Attorney poses imminent danger to the public; (7) Petitions for Reinstatement referred to the Board for its recommendation to this Court; (8) Violations of CRESPA or any regulations adopted pursuant thereto; and, (9) Failure of Respondent to make a complete transcript part of the Record, as provided in this Paragraph. (10) Failure of an Attorney to comply with an order, summons or subpoena issued in connection with a Disciplinary Proceeding.

Part 6, § IV, ¶13(H)(4)(a)(4) of the Rules of the Virginia Supreme Court, **Perfecting an Appeal from the District Committee Determination,** at page 133, states, "Appeal to a Circuit Court. An appeal to a Circuit Court pursuant to Va. Code § 54.1-3935 shall be considered before a duly convened three-judge Circuit Court as an appeal on the record using the same procedure proscribed for an appeal before the Board under this Paragraph. The Clerk of the Disciplinary System shall forward the record to the clerk of the designated Circuit Court only upon receipt of the transcript as provided in the proceeding paragraph.

ADDENDUM TABLE OF CONTENTS

U.S. CONSTITUTIONAL PROVISIONS INVOLVED

Fifth Amendment of the U. S. Constitution . . . Add-1

Section 1 of the Fourteenth Amendment Add-1

UNITED STATES CODE INVOLVED

Rules Enabling Act, 28 U.S.C. § 2072 . . . . . Add-1

UNITED STATES TAX COURT RULE INVOLVED

Tax Court Rule 202 . . . . . Add-1

CONSTITUTION OF VIRGINIA INVOLVED

Article VI, § 1. Judicial power; jurisdiction . . Add-2

Article VI, § 5. Rules of practice and procedure Add-2

Article VI, § 7. Selection . . . of judges Add-2

VIRGINIA CIVIL CODE INVOLVED

Va. Code § 54.1-3909. Rules and Regulations . Add-2

Va. Code § 54.1-3910. Organization and government of Virginia State Bar Add-3

Va. Code § 54.1-3915. Restrictions as to rules and regulations Add-3

Va. Code § 54.1-3935. Procedure for revocation of license Add-3

U.S. CONSTITUTIONAL PROVISIONS INVOLVED

Fifth Amendment to the United States Constitution, states in relevant part, "No person shall . . . be deprived of life, liberty, or property, without due process of law; . . . ."

The Due Process Clause of Section 1 of the Fourteenth Amendment to the United States Constitution, states in relevant part, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of . . . property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law."

FEDERAL STATUTES VIOLATED

RULES ENABLING ACT--28 U.S.C. § 2072(a) The Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of evidence for cases in the United States district courts (including proceedings before magistrate judges thereof) and the courts of appeal.

(b) Such rules shall not abridge, enlarge, or modify any substantive right. . . .

U.S. TAX COURT RULES INVOLVED

Tax Court Rules of Practice and Procedures:

Rule 202. Disciplinary Matters

(a) General: A member of the Bar of this Court may be disciplined by this Court as a result of:. . . (2) Imposition of discipline by any other court of whos bar an attorney is a member, or an attorneys's disbarment or suspension by consent or resignation from the bar of such court while an investigation into allegations of misconduct in pending. . . .

CONSTITUTION OF VIRGINIA INVOLVED

Article VI, § 1. Judicial power; jurisdiction. — The judicial power of the Commonwealth shall be vested in a Supreme Court and in such other courts of original or appellate jurisdiction subordinate to the Supreme Court as the General Assembly may . . . establish.

Article VI, § 5. Rules of practice and procedure. — The Supreme Court shall have the authority to make rules governing the course of appeals and the practice and procedures to be used in the courts of the Commonwealth, but such rules shall not be in conflict with the general law as the same shall, from time to time, be established by the General Assembly.

Article VI, § 7. Selection . . . of judges. The justice of the Supreme Court of shall be chosen by vote of the . . . General Assembly. . . . The judge of all other courts of record shall be chosen by the . . .General Assembly . .

VIRGINIA CIVIL CODE INVOLVED

Va. Code § 54.1-3909. The Supreme Court may promulgate rules and regulations: . . . Prescribing procedures for disciplining, suspending, and disbarring

attorneys.

Va. Code § 54.1-3910. Organization and government of Virginia State Bar. --The Supreme Court may promulgate rules and regulations organizing and governing the Virginia State Bar. The Virginia State Bar shall act as an administrative agency of the Court for the purpose of investigating and reporting violations of rules and regulations adopted by the Court under this article. . . .

Va. Code § 54.1-3915. Restrictions as to rules and regulations.---Not withstanding the foregoing provisions of this article, the Supreme Court shall not promulgate rules or regulations prescribing a code of ethics governing the professional conduct of attorneys which are inconsistent with any statute; . . . .

Va. Code § 54.1-3935. Procedure for revocation of license.

A. If the Supreme Court, the Court of Appeals, or any circuit court of this Commonwealth observes, or if a complaint, verified by affidavit is made by any person to such court, that any attorney has . . . violated the Virginia Code of Professional Responsibility, the court may assign the matter to the Virginia State Bar for investigation. Upon receipt of the report of the Virginia State Bar, the court may issue a rule against such attorney to show cause why his license to practice law shall not be revoked. If the complaint, verified by affidavit, is made by a district committee of the Virginia State Bar, the court shall issue a rule against the attorney to show cause why his license to practice law shall not be revoked.

B. If the rule is issued by the Supreme Court . . . the rule shall be returnable to the Circuit Court of the City of Richmond. At the time the rule is issued by the Supreme Court, the Chief Justice shall designate three circuit court judges to hear and decide the case. . . . In proceedings under this section, the court shall adopt the Rules and Procedures described in Part Six, Section IV, Paragraph 13 of the Rules of Court.

C. Bar Counsel of the Virginia State Bar shall prosecute the case. . . .

D. Upon the hearing, if the attorney is found guilty by the court, his license to practice law in this Commonwealth shall be revoked or suspended for such time as the court may prescribe. In lieu of revocation or suspension, the court may impose any other sanction authorized by Part Six, Section IV, Paragraph 13 of the Rules of Court.

E. The attorney, may, as of right, appeal from the judgment of the court to the Supreme Court pursuant to the procedure for filing an appeal from a trial court, as set forth in Part 5 of the Rules of Court. In any such appeal, the Supreme Court may, upon petition of the attorney, stay the effect of an order of suspension during the pendency of the appeal. Any order of reprimand shall be automatically stayed prior to or during the pendency of an appeal therefrom. No stay shall be granted in cases where the attorney's license to practice law has been revoked. . . .

Part 6, § IV, ¶13(B)(5)(a) of the Rules of the Virginia Supreme Court, **Authority and Duties of the Board**, at page 118, states in relevant part: "[t]he Board shall have jurisdiction to consider: (1) Appeals from Public or

Private Reprimands or Dismissals with Terms imposedby District Committees or Dismissals that otherwise create a Disciplinary Record; (2) Complaints and Charges of Misconduct certified to it by a Subcommittee or a District Committee;(3) Misconduct by reason of conviction of a Crime; (4) Disability Proceedings;(5) Revocation or Suspension in another jurisdiction; (6) Petitions from Bar Counsel or the Chair of a District Committee seeking summary Suspension upon a belief that an Attorney is engaging in Misconduct likely to result in injury to or loss of property of a client or other entity or alleging an Attorney poses imminent danger to the public; (7) Petitions for Reinstatement referred to the Board for its recommendation to this Court; (8) Violations of CRESPA or any regulations adopted pursuant thereto; and, (9) Failure of Respondent to make a complete transcript part of the Record, as provided in this Paragraph. (10) Failure of an Attorney to comply with an order, summons or subpoena issued in connection with a Disciplinary Proceeding.

Part 6, § IV, ¶13(H)(4)(a)(4) of the Rules of the Virginia Supreme Court, **Perfecting an Appeal from the District Committee Determination**, at page 133, states, "Appeal to a Circuit Court. An appeal to a Circuit Court pursuant to Va. Code § 54.1-3935 shall be considered before a duly convened three-judge Circuit Court as an appeal on the record using the same procedure proscribed for an appeal before the Board under this Paragraph. The Clerk of the Disciplinary System shall forward the record to the clerk of the designated Circuit Court only upon receipt of the transcript as provided in the proceeding paragraph.